

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LARRY MARSHAK,

Petitioner,

v.

ESTATE OF WILLIAM PINKNEY
AND ORIGINAL DRIFTERS, INC,

Respondents,

Case No. 19-CV-07035

**~~PROPOSED~~ ORDER ON STIPULATION REGARDING
BRIEFING DEADLINES FOR MOTION TO DISMISS**

Following the Respondents' submission of a Motion to Dismiss (Docket No. 19), the Respondents requested a pre-motion conference. The parties thereafter conferred about time for responses, issues to be addressed, and deadlines, and stipulate to the following briefing schedule and deadlines regarding Respondents' Motion to Dismiss:

1. The parties have agreed to first address Defendants/Respondents' argument that the petition should be dismissed as untimely under the Federal Arbitration Act, 9 U.S.C. § 12. Accordingly, Petitioner will have up to and including December 9, 2019 to prepare and transmit a response to the Defendants/Respondents' F.R.C.P. 12(b)(6) motion to dismiss the petition as untimely pursuant to the Federal Arbitration Act, 9 U.S.C. § 12.

2. Respondents will have up to and including December 20 to prepare a reply.

3. The parties will thereafter file the motion papers in accordance with the Court's Bundling Rule as outlined in this Court's Individual Rule IV(C).

4. If the Court denies the Motion to Dismiss, the parties will promptly file a new proposed scheduling order for briefing the remaining issues in response to the petition.

IT IS SO ORDERED

ENTERED this 20th day of November, 2019.

Paul S. Sandyl
UNITED STATES DISTRICT JUDGE